



## BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

### Advisory Opinion No. 06-12-010

A public employee must not engage in outside employment without the Commission's approval. A public employee asks whether acting as an "officer and/or member" of an amateur theatrical/cultural organization constitutes outside employment. The Commission concludes that this is not outside employment because the employee will not be compensated.

The ethics law defines employment as engaging in an activity for compensation. § 19A-4(g). The ethics law defines compensation as "any money or thing of value, regardless of form, including the sale or delivery of tangible or intangible property, that an employer pays or agrees to pay for services rendered." § 19A-4(c). The employee writes that he will not receive "any remuneration, compensation in any form of cash or gift, what so ever, nor would we hold any economic interest."

The employee may volunteer for this organization without the Commission's approval. But other provisions of the ethics law may apply. For example, if the employee becomes an officer or director in the organization, § 19A-11(a)(2)(A) would prohibit the employee from participating in any matter, as a public employee, if he knows or reasonably should know that the organization is a party to that matter.

In reaching this decision the Commission has relied upon the facts as presented by the requestor.

FOR THE COMMISSION:

February 7, 2007

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Date

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Richard N. Reback, Chair